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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,564	12/03/2003	Ephraim Gutmark	003-099	4003

36844 7590 04/11/2007
CERMAK & KENEALY LLP
515 E. BRADDOCK RD
SUITE B
ALEXANDRIA, VA 22314

EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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04/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/725,564

Examiner

Josiah Cocks

Applicant(s)

GUTMARK ET AL.

Art Unit

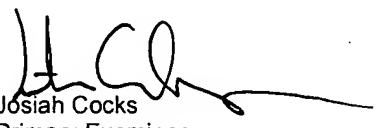
3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


Josiah Cocks
Primary Examiner
Art Unit 3749

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: On 8/14/2006, Applicant filed a response to the Final Office action mailed 2/14/2006 that included an Amendment and Notice of Appeal. Applicant was informed that the response did not place in the application into condition for allowance in an Advisory Action mailed 9/5/2006. No further response has been received.

Accordingly, the appeal in this application is DISMISSED because an appeal brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

Because of the dismissal of the appeal, this application is ABANDONED because there are no allowed claims.

A telephone call was made to applicant's representative on 3/29/2007 to verify that no further response had been filed in this application. This telephone call was not returned.